

LABOUR AND EMPLOYMENT DEPARTMENTS

The 1st May, 1967

No. 3321-3Lab-67/11377.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and management of Messrs Shibu Metal Works, Jagadhri.

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 9 of 1966

between

THE WORKMEN AND THE MANAGEMENT OF M/S SHIBU METAL WORKS,
JAGADHRI

Present—

Shri Madhu Sudan Sharan Cowshish on behalf of the workmen.

Shri R.L. Gupta on behalf of the management.

AWARD

An industrial dispute having come into existence between the workmen and the management of Messrs Shibu Metal Works, Jagadhri, the appropriate Government by means of their gazette notification No. 2958-V-LabI-62/13320, dated 8th May, 1962, and in exercise of the powers conferred on them by section 10(1)(c) read with the proviso to that sub-section of the Industrial Disputes Act, 1947, referred to the Labour Court, Rohtak, for adjudication the various items on which there was a dispute between the parties. This reference was registered as Reference No. 29 of 1962 of this Court. One of the items referred for adjudication by the Government was whether the termination of services of the fourteen workmen mentioned in that item including the present seven claimants Sarvshri Joginder Lal, Kasturi Lal, Krishan Lal, Bunde Shah, Mangat Ram, Mehar Chand and Gian Chand was justified and in order and if not to what relief they were entitled. The dispute now relates to the seven claimants whose names are given above and not to the others mentioned in that item. My learned predecessor, Shri Jawala Dass, by his award dated 31st August, 1963 held that no enquiry at all was held by the management against Sarvshri Krishan Lal, Bunde Shah, and Kasturi Lal and the enquiry held by the management against Sarvshri Joginder Lal Mangat Ram, Mehar Chand and Gian Chand was not proper. My predecessor, therefore, by his award mentioned above ordered the re-instatement of all these seven claimants with 70 per cent back wages in the case of Sarvshri Krishan Lal, Bunde Shah and Kasturi Lal and 60 per cent back wages in the case of the remaining four claimants. The management of M/s Shibu Metal Works, Jagadhri filed a Civil writ petition No. 2027 of 1963 in the High Court against the award of my predecessor. The High Court by its order dated 3rd December, 1965 set aside the award dated 31st August, 1963 of my predecessor and remanded the case to this Court for a fresh adjudication on the ground that the real controversy in the case had not been adjudicated upon by my learned predecessor. On remand the reference was re-registered as Reference No. 9 of 1966 of this Court.

Fresh issues were framed in the case. The evidence of the parties was recorded and their arguments heard on those issues. However, before the award could be given by this Court, the parties arrived at a settlement and the statements of the authorised representatives of the parties containing the terms of the settlement were recorded by me today. These statements are re-produced below :—

Statement of Shri Madhu Sudan Sharan Cowshish on behalf of the workmen on S.A.

The parties have arrived at a settlement of the industrial dispute between them. Ex. A is a true copy of the settlement dated 11th April, 1967 arrived at between them. According to this settlement, the workmen give up their claim regarding the re-instatement of the seven claimants Sarvshri Joginder Lal, Krishan Lal, Mangat Ram, Gian Chand, Mehar Chand, Bunde Shah and Kasturi Lal. The management would, however, pay to these seven claimants the sums noted below against the name of each by 30th April, 1967 :—

Serial No.	Name of claimant	Amount to be paid
		Rs
(1)	Joginder Lal	2,750
(2)	Krishan Lal	4,800
(3)	Mangat Ram	2,650
(4)	Gian Chand	2,000
(5)	Mehar Chand	3,150
(6)	Bunde Shah	2,550
(7)	Kasturi Lal	2,100
	Total	20,000

The parties will be bound by all other terms of the settlement, Ex. A. An award may be given accordingly.

**Statement of Shri R. L. Gupta on behalf of the management on
solemn affirmation**

I have heard the statement made by Shri Madhu Sudan Sharan Cowshish on behalf of the workmen. It is correct. An award may be given accordingly.

I make this award in terms of the aforesaid statements of the authorised representatives of the parties. Ex. A referred to in these statements shall form part of this award and will be attached thereto as an Annexure.

The parties will bear their own costs of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour as required under Section 15 of the Industrial Disputes Act, 1947.

Camp : Jagadhri :

HANS RAJ GUPTA,
Presiding Officer,
Labour Court, Rohtak.

The 20th April, 1967

ANNEXURE

Memorandum of settlement arrived at between the workmen and the Management of M/s Shibu Metal Works, Jagadhri, this 11th day of April, 1967, under Section 2(P) read with Section 18(1) of the Industrial Disputes Act, 1947.

Representing Management .. Shri Shanti Sarup, Manager

Representing workmen through the Pt. Madhu Sudan Sharan, General Secretary
Union namely the Jagadhri
Metal Mazdoor Sabha
(Registered), Jagadhri

Terms of agreement :—

- (1) Whereas an industrial dispute regarding reinstatement of Sarvshri Joginder Lal, son of Shri Ram Lal, Krishan Lal, son of Shri Nanak Chand, Mangat Ram, son of Shri Hari Saran, Gian Chand, son of Shri Barkat Ram, Mehar Chand, son of Shri Barkat Ram, Bunday Shah, son of Ram Labhaya and Kasturi Lal, son of Shri Nandu is pending for adjudication before the Labour Court, Rohtak,—*vide* reference No. 29 of 1962.
- (2) And whereas the management of Messrs Shibu Metal Works and the workmen concerned are desirous for a mutual settlement.
Now it is agreed by the management to pay Rs 20,000 (Rupees Twenty thousand only) to the workmen in full and final settlement.
- (ii) The workmen concerned in lieu of this payment agree to leave their claim of reinstatement, bonus, etc., and all other monetary claims. However, the management will treat them as retrenched workmen so far as Provident Fund withdrawals are concerned.
- (iii) The amount of Rs 20,000 (Rupees twenty thousand only) is to be distributed as per details supplied by the Union.
- (iv) The payment of the said amount will be made by 30th April, 1967.
- (v) It is also agreed that a copy of said agreement be sent to the Secretary, Labour Department, Haryana, Chandigarh, and Labour Commissioner, Haryana State, Chandigarh, for information and necessary record.
- (vi) It is also agreed that a joint request will be made to Presiding Officer, Labour Court, Rohtak to file the reference in question.

Jagadhri :
The 11th April, 1967.
PARMA RAM,
Kamal Metal Industries.

SHANTI SARUP,
Manager/Partner,
(Representative of the management).
MADHU SUDAN SHARAN COWSHISH,
General Secretary,
Jagadhri Metal Mazdoor Sabha.
(Representative of the workmen).

Raghubir Saran, son of L. Gokal Chand,
Press Street, Jagadhri.

Admitted to be a true copy of the original.

R. L. GUPTA,
On behalf of the management.
The 20th April, 1967.

MADHU SUDAN SHARAN COWSHISH
on behalf of the workmen.
The 20th April, 1967.

B. L. AHUJA,
Secretary to Government, Haryana,
Labour and Employment Departments.